

REMARKS

The Examiner's continued attention to the present application is noted with appreciation.

Objections to Specification

The Examiner objected to the disclosure noting instances where the solar assemblies were notated with reference number 20 instead of 22 and where the drive assembly was notated with reference number 34 instead of 32. Applicants have amended the specification to correct those errors.

Claim Objections

The Examiner objected to claim 1 noting that the "a" in "a least one solar power array" at line 5 of claim 1 should be changed to "at". Applicants have made that correction. The "on" at line 2 of claim 5 has been corrected to read "one". The Examiner stated that the recitation of "at least one said drive assembly" at line 2 of claim 7 should be amended to read "'said at least one drive assembly"; claim 7 has been amended so that the recitation has been deleted.

35 U.S.C. 112

The Examiner rejected claims 7 and 9 under 35 U.S.C. 112, second paragraph, noting that there is insufficient antecedent basis for "said at least one vertical support structure" in lines 1, 2, and 4. Applicants have amended claim 7 to replace "structure" with "pillar". Claim 9 has been deleted.

The Examiner also rejected claim 11 noting that there is insufficient basis for the limitation "said at least one rotor bearing assembly". Applicants have amended claim 11, and that the recitation has been deleted.

35 U.S.C. 103(a)

The Examiner rejected claims 1-11 under 35 U.S.C. 103(a) as being unpatentable over Barker et al. (5,228,924) in view of Azzam et al. (6,201,181). That rejection is traversed, especially as to the amended claims.

The design of Barker et al. provides a structure for supporting, and moving, photovoltaic panels on

a roof surface (a typical placement for solar panels). The device of Barker et al. has no stated purpose or design features directed to providing a shelter or canopy directly above items (e.g. vehicles) on the ground (e.g. a parking lot).

The combination of a canopy design with a movable array of photovoltaic panels results in a synergistic effect. Although the device of Barker et al. can be disposed on a building (e.g., on the roof of the building), the photovoltaic support structure of the present invention is recited to be disposed on a horizontal support beam disposed on one end of a support pillar having a second end disposed at a ground surface so that the support structure forms a canopy. Therefore, the present invention is not disposed on top of an enclosing structure such as a building, and so can be erected wherever an overhead canopy/shelter is desired for items (e.g. vehicles) disposed directly beneath the canopy without the limitation of having a building serving as a support for the invention. Placing the device of Barker et al. on a building does not result in the present invention. Therefore, the device of Barker et al., being directed toward a different purpose and not comprising key elements of the present invention, does not render the present invention obvious.

The support units of Barker et al. that lift the photovoltaic panels above the supporting surface are A-frame units. The design incorporates a long drive means **80** having one end attached to a base and one end to the "force-applying tube" **44**. Tube **44** does not define the pivoting axis; the pivoting axis is defined by pivot shaft **34**. Apparently, drive means **80** moves tube **44** so that the panels pivot about shaft **34**. This design is ill-suited to the task of providing a movable shelter canopy that also functions to provide photovoltaic energy. For example, the A-frame support units, while suitable for placing on the roof of a building, take up too much ground space to effectively function as a support for a canopy because the A-frame units would inhibit the placement and positioning of items under a canopy. For example, vehicles parked beneath a canopy require freedom of movement for navigating beneath the canopy.

The present invention is distinguishable in that it incorporates support pillars that extend vertically to support a horizontal support beam. This architecture provides for a simple pillar/canopy design that provides shelter for items (e.g., vehicles) disposed directly beneath the canopy while simultaneously moving the panels about a pivoting axis defined by the horizontal support beam. At the juncture of the

longitudinal axis of the support pillar and the horizontal support beam is the drive mechanism that moves the photovoltaic panels (new claim 18).

For at least the stated reasons, adding the features of Azzam et al., a portable solar module cart, also does not render the present invention obvious, which is a fixed structure providing a canopy for items directly below. Further, one skilled in the art would never combine a portable solar cart (Azzam et al.) with a fixed roof solar panel structure (Barker et al.).

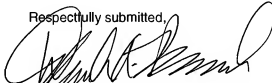
Therefore, the claims 1-5, 7-8, and 10-11 are believed to be patentable. Claims 6 and 9 have been cancelled. New claims 12-20 are added to better claim the present invention.

In view of the above amendments and remarks, it is respectfully submitted that all grounds of rejection and objection have been avoided and/or traversed. It is believed that the case is now in condition for allowance and same is respectfully requested.

If any issues remain, or if the Examiner believes that prosecution of this application might be expedited by discussion of the issues, the Examiner is cordially invited to telephone the undersigned attorney for Applicant at the telephone number listed below.

Authorization is given to charge payment of any additional fees required, or credit any overpayment, to Deposit Acct. 13-4213.

Respectfully submitted,



Date: December 14, 2007

By:

Deborah A. Peacock, Reg. No. 31,649
Direct line: (505) 998-1501

PEACOCK MYERS, P.C.
Attorneys for Applicant(s)
P.O. Box 26927
Albuquerque, New Mexico 87125-6927
Telephone: (505) 998-1500
Facsimile: (505) 243-2542

Customer No. 005179

G:\CLIENTS\Sacred Power\AMDS\Tracking Solar Shelter_OA Response_AMD_1207.doc